

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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TARIFF SHARIF BEY,  
Plaintiff,

v.

RYAN CASEY, et al.,  
Defendants.

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Civil Action No.  
22-10117-NMG

ORDER

GORTON, J.


On January 25, 2022, Tariff Sharif Bey, a pretrial detainee in custody at the Middleton House of Correction, initiated this action by filing a pro se complaint and a motion for leave to proceed in forma pauperis. See Docket Nos. 1, 2.

On February 18, 2022, the court denied without prejudice the motion for leave to proceed in forma pauperis and advised plaintiff that the complaint is subject to dismissal. See Docket No. 6. The court advised plaintiff that if he elects to proceed with this action, he must file (1) a renewed motion for leave to proceed in forma pauperis accompanied by his certified prison account statement; and (2) an amended complaint setting forth a plausible claim upon which relief may be granted. Id. The court directed plaintiff to respond in 28 days and warned him that if he failed to do so, the court would dismiss this case. Id.

To date, plaintiff has not responded to the court's order and the time to do so has expired. "A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte for any of the reasons prescribed in Fed. R. Civ. P. 41(b)." Cintron-Lorenzo v. Departamento de Asuntos del Consumidor, 312 F.3d 522, 525-26 (1st Cir. 2002). "Lack of diligent prosecution is such a reason." Id.

Here, dismissal is appropriate because without plaintiff's active participation, the court cannot effect the advancement of the case to a resolution on the merits. Accordingly, for the failure to comply with the February 18, 2022 Memorandum and Order, this action is hereby dismissed without prejudice. The Clerk is directed to enter a separate order of dismissal.

So ordered.

  
Nathaniel M. Gorton  
United States District Judge

Dated: April 12, 2022